

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)) Criminal No.: 19-10080-NMG
ELISABETH KIMMEL, *et al.*,)
Defendants.)
)

**GOVERNMENT'S ASSENTED-TO MOTION FOR LEAVE TO FILE
MOTION *IN LIMINE* EXCEEDING PAGE LIMIT AND EXHIBITS UNDER SEAL**

The government respectfully moves, with the assent of the defendants, for leave to (1) exceed the 10-page limit for one of its motions *in limine* by five pages, and (2) file under seal certain exhibits in support of its motions.

The government intends to file several motions *in limine* on July 30, 2021. As to one motion – to preclude the defendants from introducing evidence about dozens of uncharged third parties – the government requests additional space to, among other things, provide the Court with relevant background regarding hundreds of proposed defense exhibits. Accordingly, the government requests that the Court grant leave to file a motion of approximately 15 pages.

The government also intends to file certain exhibits in support of its motions, including several marital communications that the government contends are not subject to the marital communications privilege, as well as examples of defense exhibits that the government contends are irrelevant and unduly prejudicial because they concern uncharged third parties. Under the terms of the May 2, 2019 Protective Order, such materials are to be filed under seal to remove any references to children, academic records, or uncharged co-conspirators. Dkt. 377 at 4. Accordingly, pursuant to Local Rule 7.2, the government requests that the Court grant leave to file

these exhibits under seal. The government will provide all sealed exhibits in support of its motions to the defendants.

Respectfully submitted,

NATHANIEL R. MENDELL
Acting United States Attorney

By: /s/ Ian J. Stearns

JUSTIN D. O'CONNELL
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants .

/s/ Ian J. Stearns
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